

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC ORDUNA,

Petitioner,

v.

TIM GARRETT, *et al.*,

Respondents.

Case No. 3:20-cv-00641-MMD-CLB

ORDER

Pro se Petitioner Eric Orduna, a Nevada state prisoner, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1-1.) Currently before the Court are Orduna's applications to Proceed *In Forma Pauperis* ("IFP Application(s)") (ECF Nos. 4, 7).

A \$5.00 filing fee is required to initiate a habeas action in a federal district court. See 28 U.S.C. § 1914(a); see *also* Judicial Conference Schedule of Fees. But the Court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates indigency. See 28 U.S.C. § 1915; LSR 1-1, 1-2. The IFP Application must be submitted on the form provided by the Court, include specific financial information, and a declaration confirming under the penalty of perjury that the financial information is true. See *id.*

Although Orduna submitted the required form, the supporting documents show he is able to pay the \$5 filing fee. Thus, he does not qualify for a fee waiver. The Court therefore denies Orduna's IFP application and gives him until February 26, 2021, to pay the \$5 filing fee.

It is therefore ordered that Petitioner Eric Orduna's applications to Proceed *In Forma Pauperis* (ECF No. 4, 7) are DENIED.

It is further ordered that Orduna must pay the \$5.00 filing fee by February 26, 2021.

The Clerk of Court is instructed to send Orduna *two* copies of this order. Orduna

1 must make the necessary arrangements to have a copy of this order attached to the check
2 for the filing fee.

3 It is further ordered that this case will be dismissed without prejudice and without
4 further advance notice if Orduna fails to comply with this order by paying the \$5.00 filing
5 fee by February 26, 2021 deadline.

6 The initial screening of Orduna's petition under the Rules Governing Section 2254
7 Cases in the United States District Courts and consideration of the Motion for Appointment
8 of Counsel (ECF No. 3) are deferred to until such time as he has fully complied with this
9 order.

10 DATED THIS 14th Day of January 2021.

11
12 

13 MIRANDA M. DU
14 CHIEF UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28